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Identical letters dated 7 April 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

The Permanent Mission of Iraq to the United Nations has taken note of the identical letters dated 26 March 2001 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and to the President of the Security Council (S/2001/274).

The Permanent Mission of Iraq expresses its regret at the fallacies and distortions of fact contained in the letter in question and, wishing to expose these fallacies, would like to state the facts set forth hereunder.

In its letter, the Saudi delegation uses the term "prisoners" in referring to the issue of missing Kuwaitis and Saudis and it does so not out of ignorance but from malevolence and design. This is a political stratagem on the part of the Saudi authorities and their allies to change the subject under discussion from missing persons to prisoners of war. The prisoner-of-war stage came to an end in 1991, as indicated in the relevant Security Council resolutions.

The letter also refers to the question of Iraq's failure to work with Mr. Yuli M. Vorontsov, who was appointed by the Secretary-General to coordinate what it calls "issues relating to Kuwaiti and third-country prisoners, detainees and missing persons". We should here like to state that Iraq has cooperated with the International Committee of the Red Cross (ICRC) from the outset pursuant to its general mandate, and all can testify to the fairness, impartiality and effectiveness of this august international humanitarian institution. What could any role played by Mr. Vorontsov add to the action ICRC has already taken or could take in future given the sincere intention on the part of those countries that have cases of missing persons to deal with the relevant dossiers without politicization or procrastination? In this connection we also ask ourselves (and those urging cooperation with him) the question: if Mr. Vorontsov can play a humanitarian role separate from the political role assigned to him in [paragraph 14 of] Security Council resolution 1284 (1999), then why was he unable to find acceptance with ICRC, whose leading role in this domain cannot be overlooked?

It is a well-known fact that Iraq cooperated with the Tripartite Commission, attended all of its meetings and engaged with it in a positive manner, so that the best possible results were achieved despite the destructive role played in the Commission by countries that had no cases of their own involving missing personnel. However,

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when aggression was launched against it in December 1998, Iraq concluded that it was futile to continue working with these countries and asked for them to be excluded from the work of the Commission. The responsibility for the suspension of the Commission's meetings is therefore to be borne by those countries that insist on attending the meetings without having any substantive role to play and by those that insist on seeking the shelter of States whose destructive political role in the work of the Commission has become evident to all.

The Saudi letter also speaks of enhancing international peace and security in the region, forgetting that the entire world is aware of the fact that for more than 10 years Saudi Arabia has allowed its territory to be used as a base for the United States and British aircraft that bomb Iraq on a daily basis and kill its people, including children, and destroy its institutions.

The issue of the Saudi pilot, which the Saudi authorities have been exploiting ever since the 1991 ceasefire, is actually the most telling example of the procrastination and politicization in which the Saudi Government has engaged in addressing humanitarian issues of this kind. With the cessation of hostilities in 1991, the Saudi authorities asked Iraq to return the pilot, Lieutenant-Colonel Muhammad Salih Nazirah, whose F-5 aircraft was shot down by Iraqi air defences on 13 February 1991 in the Ar`ar area, inside Iraqi territory near the border with Saudi Arabia. In their statements the Saudis constantly asserted that they had in their possession a large number of depositions made by witnesses to the effect that the pilot had ejected from his aircraft before it crashed; that he had been seen descending by parachute by United States reconnaissance aircraft and by nomadic Bedouin in the area; that he had fired distress flares into the air; that three Saudi prisoners returned by Iraq after the ceasefire had seen him in Iraqi detention centres; and that the Iraqi officer who had arrested him had been captured by the Saudi authorities and had admitted doing so.

Iraq has been refuting the validity of any such testimony or information since 1991. In the context of an investigation it instituted in 1997, Iraq received a letter from a retired Iraqi officer in which he stated that he had been part of an Iraqi force stationed in the Ar`ar area and had seen a hostile aircraft being shot down by Iraqi air defences. On proceeding to the relevant area, he had found the wreckage of the aircraft and the remains of the pilot (scattered body parts), which he had buried. On the basis of this information, Iraq proposed that a joint action team should be formed under ICRC auspices, consisting of representatives of Iraq and Saudi Arabia and any interested members of the Tripartite Commission and the Technical Subcommittee, to go to the area in question and search for the remains of the pilot. Iraq's proposal was, however, thwarted by the reservations and suspicions voiced by the representatives of Saudi Arabia and their allies in the meetings of the Tripartite Commission.

Iraq presented the material evidence in its possession, such as the fragments of the wreckage of the Saudi aircraft produced by the Iraqi officer, at a meeting of the Tripartite Commission in 1997. It also facilitated the attendance at the same meeting of the Iraqi officer who had buried the pilot so that the members of the Commission could hear his account of the matter. ICRC then took the initiative, in 1998, of presenting a proposal that a Swiss aircraft expert should examine the wreckage of the aircraft and identify it. Everyone agreed to this, and the result that emerged indicated that it was indeed the Saudi aircraft that had been shot down. The coalition

countries then had no choice but to accept the proposal made in 1997. Before the necessary preparations for the venture could be completed, however, the United States and the United Kingdom launched their aggression of December 1998 against Iraq, and United States and British bombing of Iraq from bases in Saudi and Kuwaiti territory has continued to this very day. This development prevented the search from being carried out.

In its concern to resolve this humanitarian issue, in 1999 Iraq restated its position and its readiness to implement the action plan to find the Saudi pilot that had been proposed by ICRC, provided that participation would be restricted to Iraq and Saudi Arabia. The Saudi authorities agreed in principle to the action plan but delayed its implementation a number of times by insisting on the inclusion of American experts in its delegation. After long travail, a meeting was held on 19 October 2000 by delegations from Iraq, Saudi Arabia and ICRC in the Saudi town of Ar'ar to consider making a start on the venture. At this meeting, Iraq ran into an attempt by the Saudis to postpone implementation of the undertaking, but the Iraqi delegation insisted on proceeding with the task in hand. The Iraqi delegation and the Saudi authorities began the search operation in cooperation with ICRC and with the participation of two experts working with ICRC, one of them to examine the wreckage of the aircraft and the other to collect the remains and have them analysed at a Swiss laboratory acceptable to both Iraq and Saudi Arabia. The operation resulted in the wreckage and parts of the pilot's remains being found, in accordance with the indications given by the Iraqi officer, and the remains were handed over to ICRC. The Saudi authorities thereupon sensed the predicament into which they had fallen with the exposure of the false claims they had constantly reiterated, including the statement made by the leader of the Saudi delegation some hours before the search was completed to the effect that he was in possession of photographs and video tapes that confirmed that the pilot had been in Iraqi prisons.

The Saudi letter of 26 March 2001 contains such false accusations as the following:

> "There can be no doubt that Iraq's disclosure of these remains after such a long period of time, some 10 years, has provided it with sufficient opportunity to erase many of the facts relating to the manner in which the pilot died and to alter many of the features of the crash site by moving the wreckage from the site to other places in Iraq. It has refused to hand the wreckage over to the Saudi side for examination in order to determine the circumstances of the crash, which would undoubtedly help to identify many of its causes as well as its outcome and the cause of death of the pilot.
>
> "This reveals the true nature of the positions maintained by Iraq and is an attempt to exploit a humanitarian issue for political purposes and an endeavour to ignore the relevant resolutions and international humanitarian law."

ICRC has refuted these claims with the reports of its experts. The Swiss aircraft expert entrusted by all the parties with the task of examining the wreckage has stated that the aircraft impacted at very high speed, and his report finds that, on the basis of the highly fragmented state of the wreckage, which is evident from the cockpit, the ejector seat and the pilot's parachute, it must be concluded that the pilot did not eject from the aircraft before impact. The Swiss laboratory that conducted the DNA analysis of the remains also proved that they were those of the Saudi pilot Muhammad Salih Nazirah.

It is astonishing that the record signed by Iraq and Saudi Arabia on completing the search includes an expression of thanks by the Saudi authorities for Iraq's cooperation and the statement that the Iraqi delegation had handed over all the parts collected from the crash site to the Saudi delegation. Iraq also allowed the Saudi experts to remove all of the parts they wished to take from the site into Saudi territory, and they filled one low-loader. It appears, however, that the cooperation shown by Iraq in resolving this issue, which led to the remains of the pilot and the wreckage of the aircraft being found, has thwarted the schemes of the Saudi authorities and that in their letter they therefore set out to characterize Iraq's cooperation as politicization and as disregard of the relevant United Nations resolutions.

The Saudi authorities, in their persistence in maintaining this approach, have not been content with what they have done to politicize and prolong this humanitarian issue, and on 16 March 2001 the Saudi Minister for Foreign Affairs stated that the Saudi authorities had decided to have further analyses of the pilot's remains carried out at American, British and German laboratories.

With a view to exposing this manoeuvre, we can only point out that ICRC has stated that it will not participate in any re-evaluation of the results given that the results already obtained were decisive in establishing the fate of the pilot and in identifying the remains as his.

Iraq urges the Saudi authorities to desist from maintaining an antagonistic and futile attitude and to learn from and be guided by this case so that it may mark the beginning of genuine and serious cooperation based on reliance on the facts and on the avoidance of distortion, and it affirms that it continues to be ready to cooperate in the search for all missing persons, including missing Saudis, as it was in the case of the Saudi pilot. Iraq would like to call attention to the issue of the 1,142 missing Iraqis, concerning the fate of the 193 of them in Saudi territory the Saudi authorities have yet to reveal anything at all. The statement in the Saudi letter to the effect that there are no missing Iraqis in its territory is to be regarded as a disavowal of the Geneva Conventions and of international humanitarian law. Iraq has compiled proper dossiers on its missing persons in cooperation with ICRC, and they contain information and depositions by witnesses that confirm that they went missing in Saudi territory and that the Saudi authorities are responsible for finding them.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative